

### **Remarks**

Applicants thank the Examiner for examining the present application, for finding that Claims 6, 8, 9, 10, 26, 27, 29-35, 37, 38-39, and 43-53 contain allowable subject matter, and for allowing Claims 41 and 42.

With entry of this amendment, Claims 1, 2, 4-6, 8, 24-27, 29-35, 37-39, and 41-53 remain and Claims 9-23, 54-137, and 148-151 have been canceled.

Claim 1 has been amended to explicitly describe the species that was elected in response to the restriction requirement of July 18, 2005 and to include all the limitations of previously presented Claim 1 and Claim 9, which, in the Office Action dated October 5, 2006, the Examiner has determined to be allowable. Claim 41, which was previously allowed, has been amended to explicitly describe the species that was elected in response to the restriction requirement of July 18, 2005. No new matter has been introduced. Claims 9-23 and 54-137 have been canceled in response to the restriction requirement of July 18, 2005, not as a means of avoiding the prior art. The application has now been placed in condition for allowance and Applicants respectfully request timely issuance of a notice of allowance.

With regard to the Restriction Requirement of July 18, 2005, Applicants believe that the Examiner has misunderstood the initial species election. On August 16, 2005, Applicants timely responded to the Restriction Requirement with an election of Group I claims (i.e., product claims) and further elected Species b (i.e., metal alloys) and Species ii (i.e., getter materials). In the subsequent Office Action of October 19, 2005, the Examiner made an inaccurate acknowledgement of Applicants' election, mistakenly

characterizing the election to be of Group I claims, “species b” (i.e., “*metal*”) and species ii (i.e., getter materials).

According to the phone conversation between Allan Tuan and Examiner Ngoclan Thi Mai on November 1, 2006, the Examiner confirmed that examination has been limited to metals (i.e., the species described in the July 18, 2005 Restriction Requirement as “species a”) and Species ii (i.e., getter materials). Applicant requests that the Examiner acknowledge on record that her search and examination of the instant application has been limited to “metals” and that a double patenting rejection would be inappropriate for claims in any subsequent divisional applications directed to metal alloys (i.e., species b in the July 18, 2005 Restriction Requirement).

#### Conclusion

For the reasons recited above, the application is believed to be in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case. No additional claim fees are believed to be due. However, should such fees exist, or if any additional fees may be required in connection with filing this amendment and any extension of time, the Director is hereby authorized to charge our Deposit Account No. 02-1275.

Respectfully submitted,



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